

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 17, 2004

Division: BOCC

Bulk Item: Yes ☐ No ☒

Department: District 5

AGENDA ITEM WORDING: Approval of a request from Largo Sound Village Association to waive the application fees for a Minor Conditional Use for a project to construct a tiki.

ITEM BACKGROUND: The applicants, the Largo Sound Village Association, met with the Upper Keys Planning Team Director to discuss the process for constructing a tiki in the community park for the use of the Association. The Association was informed that this project requires a minor conditional use approval in this zone. The Association believes the review fee would be prohibitive and detrimental to the project and as such, is requesting the application fee be waived. The fees for a minor conditional use application are \$3,765. The Association should still be responsible for the advertising (\$735) and notification costs (\$3 per surrounding property owner).

The staff recommends waiver of the application fee of \$3,765 for this project, not including advertising and notification costs, as the Board of County Commissioners has done in similar circumstances.

PREVIOUS RELEVANT BOCC ACTION: None

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: N/A

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes N/A No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty N/A OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL: Murray E. Nelson
(MAYOR MURRAY E. NELSON)

DOCUMENTATION: Included ☒ To Follow ☐ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # 0-5

Gay Marie Smith

P.O. Box 1638

Phone 305-451-2675

Tavernier, FL 33070 Fax: 305-451-2675

Cell: 305-394-8004

Email: gaymarie21@yahoo.com

PACKAGE FOR LARGO SOUND VILLAGE TIKI HUT PROJECT

1. INTRODUCTION LETTER FROM PRESIDENT
2. RECORDED GRANT OF CONSERVATION EASEMENT
3. PROPERTY RECORD CARD SHOWING OWNERSHIP
4. MAP SHOWING LOCATION AND SURROUNDING AREAS
5. PHOTOS OF SAID PROPERTY
6. AERIAL MAP SUPPLIED BY COUNTY STAFF
7. APPLICATION FOR MINOR CONDITIONAL USE SHOWING APPLICATION FEE DUE

Largo Sound Village Association
Post Office Box 2017
Key Largo, Florida 33037

November 2, 2004

Mayor Murray Nelson and
Monroe County Commission
1100 Simonton Street
Key West, FL 33044

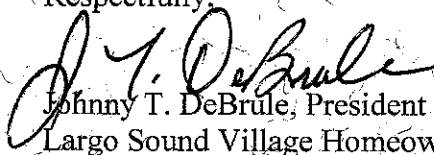
Dear Mayor & Commissioners:

As you may recall back in 2002, Monroe County joined with the Largo Sound Village Homeowners Association to purchase a vacant lot in our subdivision creating a homeowners' park and green space for L.S.V.A. residents. This was accomplished with the support of the entire Monroe County Commission and the assistance of Mark Rosch of the Monroe County Land Authority. As communicated to all at the time, our foremost desire was to maintain this lot as green space for the Largo Sound Village Community. Also, in order to enhance the enjoyment of this green space, and as funding became available, we envisioned the inclusion of an open-air Tiki Hut/Pavilion (roof only - no walls) with picnic benches.

Over the past year and a half, the residents of Largo Sound Village have worked diligently raising funds to pay off the mortgage that we incurred. Using the proceeds from yard and bake sales, fishing tournaments, and donations by homeowners we were able to retire that debt earlier this year.

The thought of continuing our vision with the addition of a Tiki Hut seemed far out of our reach. However, as they say, *out of all bad things - good things come*. A few months ago, one of our neighbors, Mr. Walter Baker Jr. passed away. Per his and his wife Debbie's request, and in lieu of flowers, a memorial fund was established. The purpose of this fund was to provide sufficient monies to build the Walter Baker, Jr. Memorial Tiki Hut at the Largo Sound Village Park. Walter loved the Keys and he loved Largo Sound Village. We are both honored and humbled by this legacy. The funds are now available for the Tiki Hut, but as per the Monroe County requirements, a minor conditional use is required. We understand that the cost of this process is approximately \$4,500.00. This cost would prohibit us from seeing this request through to fruition as we do not have sufficient monies to cover the fee and the tiki hut. We are respectfully requesting this fee be waived. Thank you for your consideration.

Respectfully,



Johnny T. DeBrule, President

Largo Sound Village Homeowners Association

GRANT OF CONSERVATION EASEMENT

THIS GRANT OF EASEMENT is made on this 19th day of December, 2002, by Largo Sound Village, Incorporated, a Florida non profit corporation whose address is PO Box 2017, Key Largo, Florida 33037, as Grantor, to Monroe County, a political subdivision of the State of Florida, whose address is 500 Whitehead Street, Key West, Florida 33040, as Grantee.

Recitals

- A) The Grantor is the owner of certain real property (the servient estate) located in Monroe County, Florida, more particularly described as Block 5, Lot 7, Largo Sound Village Subdivision, according to the plat thereof as recorded in Plat Book 4, Page 92 of the Public Records of Monroe County, Florida.
- B) This easement is a conservation easement created pursuant to Section 704.06, Florida Statutes, and is to be governed by, construed, and enforced in accordance with that statute along with applicable laws of the State of Florida.

1. *Grant of easement.*

In consideration for the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt of which is hereby acknowledged, the Grantor hereby grants to Grantee the easement described below.

2. *Easement area.*

The location of the easement area on the servient estate is as follows: all of Block 5, Lot 7, Largo Sound Village Subdivision, according to the plat thereof as recorded in Plat Book 4, Page 92 of the Public Records of Monroe County, Florida.

3. *Restraints imposed by the conservation easement.*

The conservation easement granted by this instrument imposes the following restrictions on the future use of the servient estate within the easement area:

- a) No construction of dwelling units or other enclosures. For the purpose of this conservation easement, dwelling unit shall be defined as a self-sufficient room or combination of rooms designed for or used as a residence by a single housekeeping unit.
- b) No transfer of development rights to or from the easement area.
- c) No suffering, permitting, or allowing invasive exotic species such as Australian pine (spp. Casuarina) or Brazilian pepper (Schinus terebinthifolius) to exist.

4. *Terms and persons bound.*

This conservation easement is perpetual, runs with the land and is binding on all present and subsequent owners and mortgagees of the servient estate. Grantor represents that the mortgagee(s), if any, whose consent is attached hereto, is (are) the only mortgagee(s) having a security interest in the servient estate.

5. *Modification of easement.*

No modification of this easement is binding unless evidenced in writing and signed by an authorized representative of the Grantee.

RCD Jan 10 2003 12:42PM
DANNY L. KOHLHAGE, CLERK

6. *Attorney's fees.*

In the event of any controversy, claim or dispute arising under this instrument, the prevailing party shall be entitled to recover reasonable attorney's fees and costs, including appeals.

7. *Entry of Grantee's representative on the servient estate.*


The Grantee may enter upon the servient estate, after first furnishing the Grantor no less than 24 hours notice, for the purpose of inspection to determine the Grantor's compliance with this Grant of Easement.

8. *Notice.*

Any notice provided for or concerning this grant of easement must be in writing and is sufficiently given when sent by certified or registered mail, or via an equivalent service furnished by a private carrier, to the respective address of each party as set forth at the beginning of this Grant of Easement.

IN WITNESS WHEREOF, each party to this Grant of Easement has caused it to be executed on the date in the first sentence of this Grant of Easement.

Largo Sound Village, Incorporated



Witness Signature



Printed Signature



Witness Signature



Printed Signature



By: Donna Pacheco, Vice President



By: Brian Reynolds, Treasurer

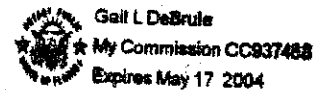
STATE OF FLORIDA
COUNTY OF MONROE

I HEREBY CERTIFY that on this 19 day of DECEMBER, 2002, before me, an officer duly qualified to take acknowledgments, personally appeared Donna Pacho and Brian Reynolds, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same. Driver's Licenses shown as identification or personally known.

SEAL


Notary Signature

GAIL L. DEBRULE
Printed Notary Signature
My Commission Expires:



MONROE COUNTY
OFFICIAL RECORDS

This instrument prepared by,
record and return to:
Meyer & Erskine, P.A.
31211 Avenue A
Big Pine Key, FL 33043

MONROE COUNTY PROPERTY RECORD CARD

ALTERNATE KEY: 1581861

ID: 075

Run:11/04/2004 11:00AM Page: 1

LARGO SOUND VILLAGE INC

PO BOX 2017
KEY LARGO FL 33037

PARCEL 00474750-000000 11-61-39 NBHD 1826

ALT KEY 1581861 MILL GRP 500K PC 92

PHYSICAL ADDR:

Business Name: LARGO SOUND HOMEOWNERS PARK

UNIT:

LEGAL DESCRIPTION

BK 5 LT 7 LARGO SOUND VILLAGE PB4-92 KEY LARGO OR385-167 OR793-95 OR1344-1842/43P/R(CMS) OR1344-1852AFF(CMS)
OR1344-1853AFF/D(CMS) OR1690-884/85(JMH) OR1805-1699/70(CTT)

LAND DATA 1.1

LINE	USE	FRONT	DEPTH	NOTES	#	UNIT	TYPE	RATE	DEPTH	LOG	SHP	PHYS	CLASS	JUST	VALUE
1	000P	0	010830		1.00	LT		1.00	1.00	1.00	1.00				

MISCELLANEOUS IMPROVEMENTS

NBR	TYPE	X	NUMBER	UNITS	TYPE	LENGTH	WIDTH	YEAR	YR	CONST	GRADE	LIFE	RCN	VALUE	DEPR	VALUE	DATE ADDED
APPRaiser NOTES																	

2003/01 LARGO SOUND VILLAGE HOME OWNERS PARK. BA

BUILDING PERMITS

LINE	BLDG	NUMBER	ISSUE	COMPLETE	AMOUNT	DESCRIPTION
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HISTORY OF TAXABLE VALUES

TAX YEAR	VM	JUST	LAND	CLASS	LND	BLDG	MISC/EQIP	JUSTVALUE	ASSDVALUE	EXEMPT	TAX	VALUE
11/01/1982	1	13246			0	0	0	13246	0	0		13246
11/01/1983	1	13246			0	0	0	13246	0	0		13246
11/01/1984	1	17870			0	0	0	17870	0	0		17870
11/01/1985	1	17870			0	0	0	17870	0	0		17870
11/01/1986	1	17870			0	0	0	17870	0	0		17870
11/01/1987	1	17870			0	0	0	17870	0	0		17870
11/01/1988	1	19494			0	0	0	19494	0	0		19494
11/01/1989	1	19494			0	0	0	19494	0	0		19494
11/01/1990	1	19494			0	0	0	19494	0	0		19494
11/01/1991	1	24368			0	0	0	24368	0	0		24368
11/01/1992	1	21119			0	0	0	21119	0	0		21119
11/01/1993	1	21119			0	0	0	21119	0	0		21119
11/01/1994	1	24368			0	0	0	24368	0	0		24368
11/01/1995	1	20360			0	0	0	20360	0	0		20360
11/01/1996	1	20360			0	0	0	20360	0	0		20360
11/01/1997	1	20360			0	0	0	20360	0	0		20360
11/01/1998	1	20360			0	0	0	20360	0	0		20360
11/01/1999	1	20360			0	0	0	20360	0	0		20360
11/01/2000	1	20360			0	0	0	20360	0	0		20360
11/01/2001	1	25992			0	0	0	25992	0	0		25992
11/01/2002	1	25992			0	0	0	25992	0	0		25992
11/01/2003	1	1000			0	0	0	1000	0	0		1000
11/01/2004	1	1000			0	0	0	1000	0	0		1000

SALES HISTORY

O.R.	O.R.	SALE	INSTRUMENT	TRAN	QUAL	VAG	SALE	APPR	CHG
BOOK	PAGE	DATE		CODE	UNQUAL	IMPR	PRICE	VALUE	DATE
1805	1699	8/05/2002	WD	WARRANTY	D0	Q	32,000	25,992	9/13/2002
1690	884	4/06/2001	WD	WARRANTY	D0	Q	32,000	25,992	6/20/2001
1344	1842	2/01/1995	00	CONVERSION	0	M	1	0	/ /
793	95	7/01/1979	00	CONVERSION	0	Q	12,500	0	/ /

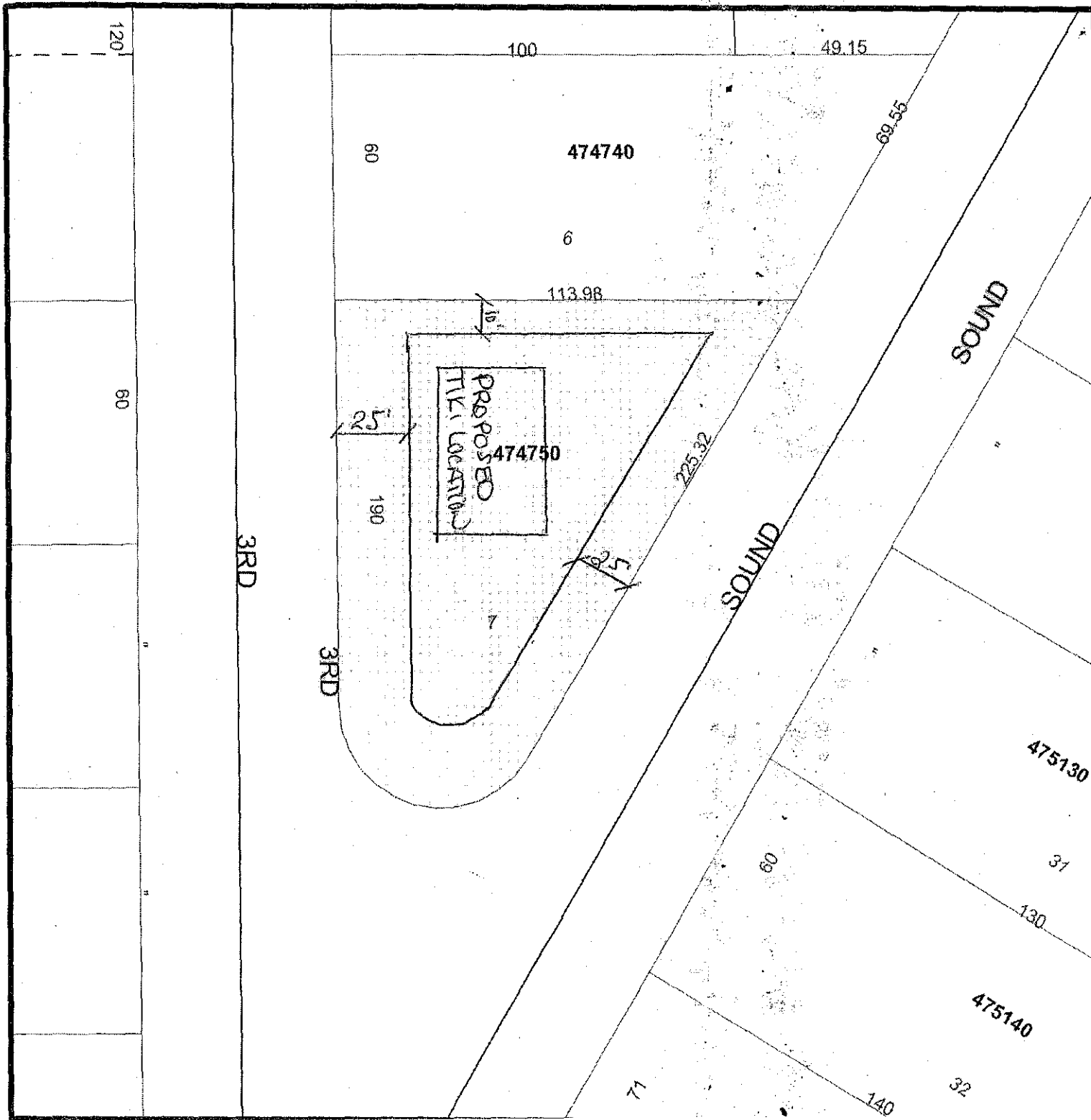
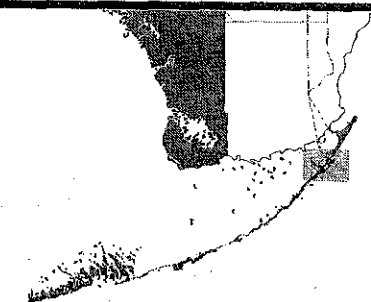
Ervin A Higgs, CFA
Monroe County
Property Appraiser

Title Line 1

Real Estate Number
Parcel Lot Text
Dimension Text
Subdivision Text
Block Text
Point of Interest Text

~ Hooka_Leads
~ Lot Lines
~ Road Names
~ Road Names2
~ Road Centerlines
~ Water Names
□ Parcels
~ Shoreline

1 in. = 34.1 feet

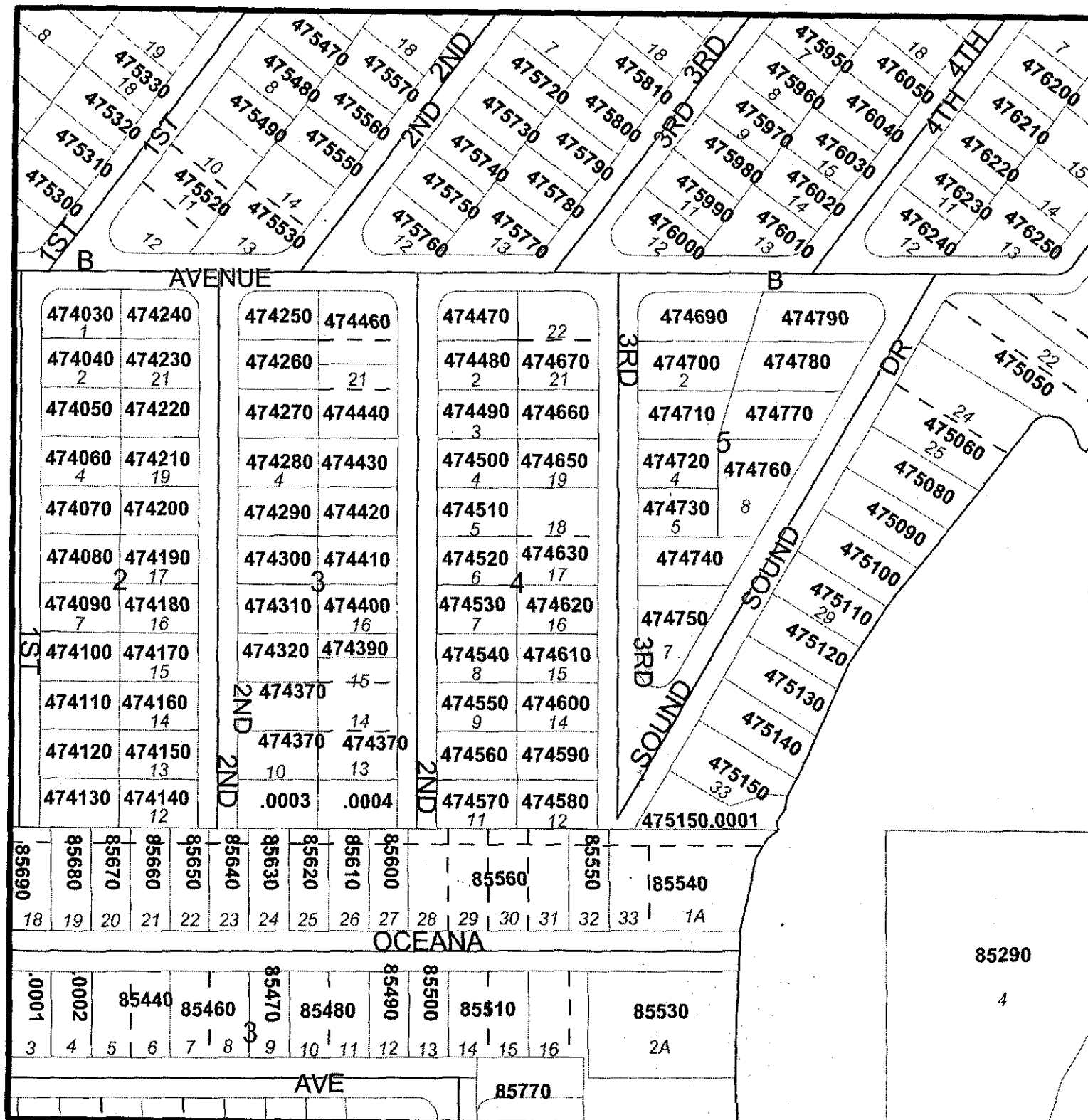


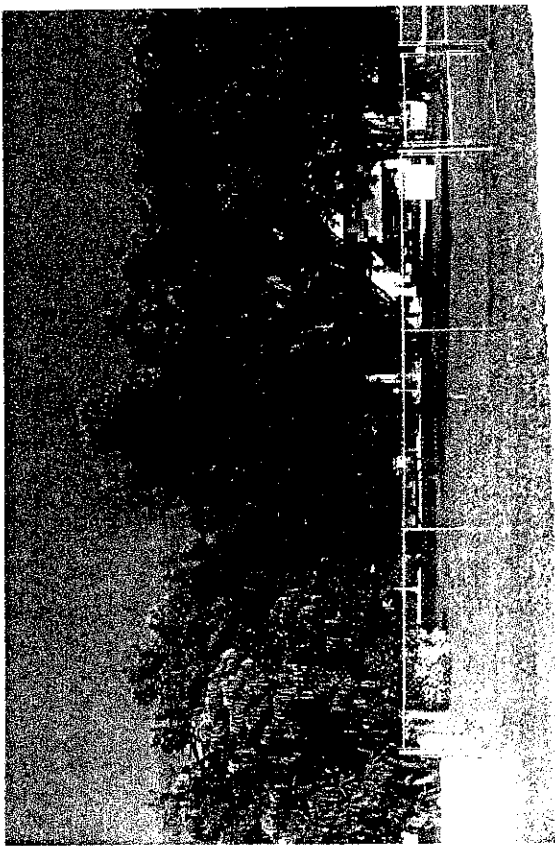
Ervin A Higgs, CFA
Monroe County
Property Appraiser

Title Line 1

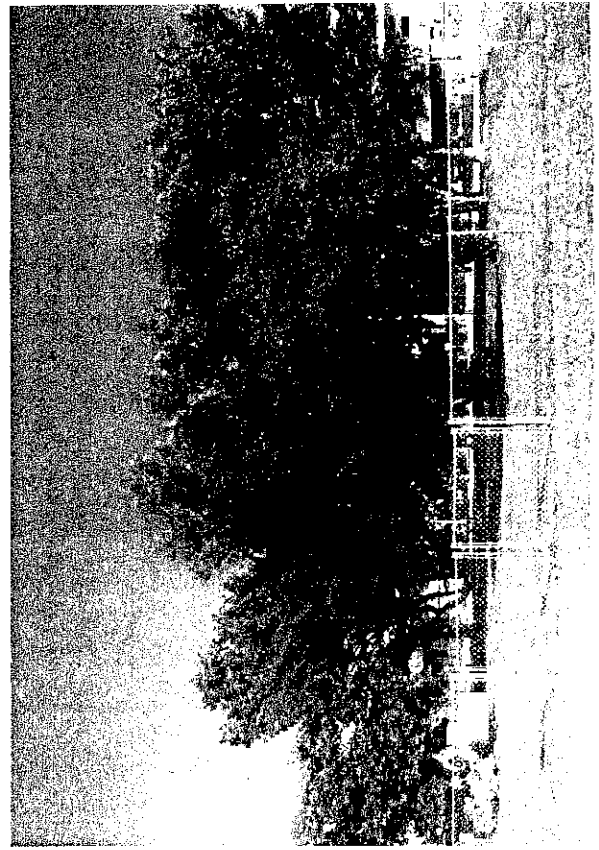
- Subdivision Text
- ~ Hooks_Leads
- Lot Lines
- Road Names
- Road Names2
- ~ Road Centerlines
- Water Names
- Parcels
- ~ Shoreline

1 in. = 170.5 feet

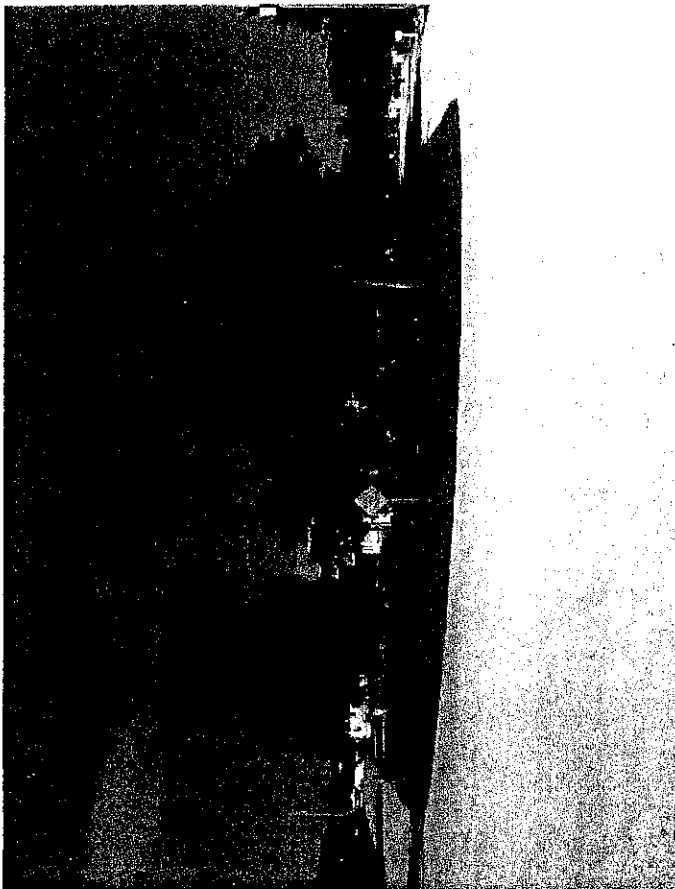




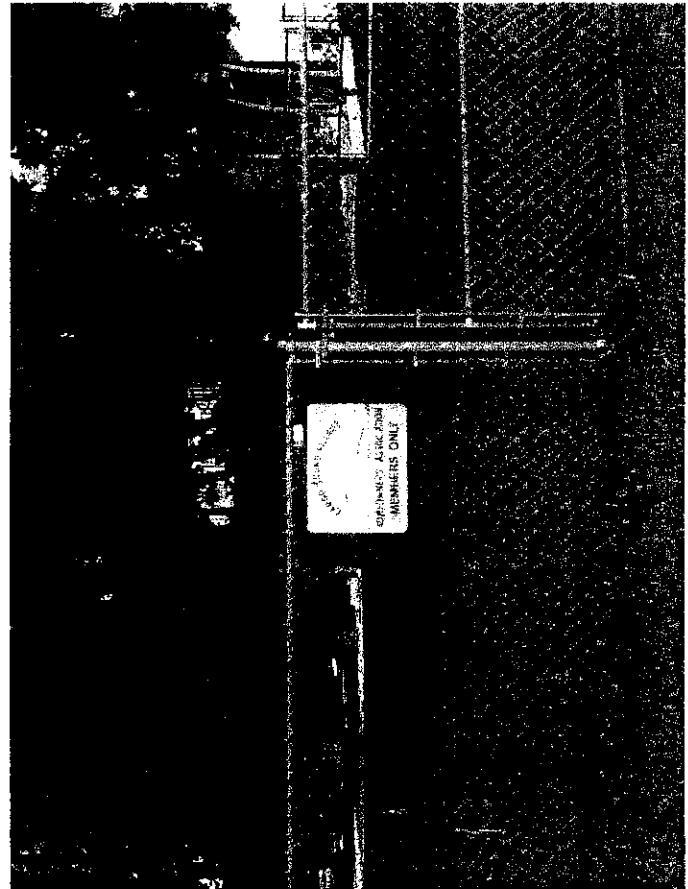
2004_1102Image0001.JPG



2004_1102Image0002.JPG



2004_1102Image0003.JPG



2004_1102Image0006.JPG

1090 SF

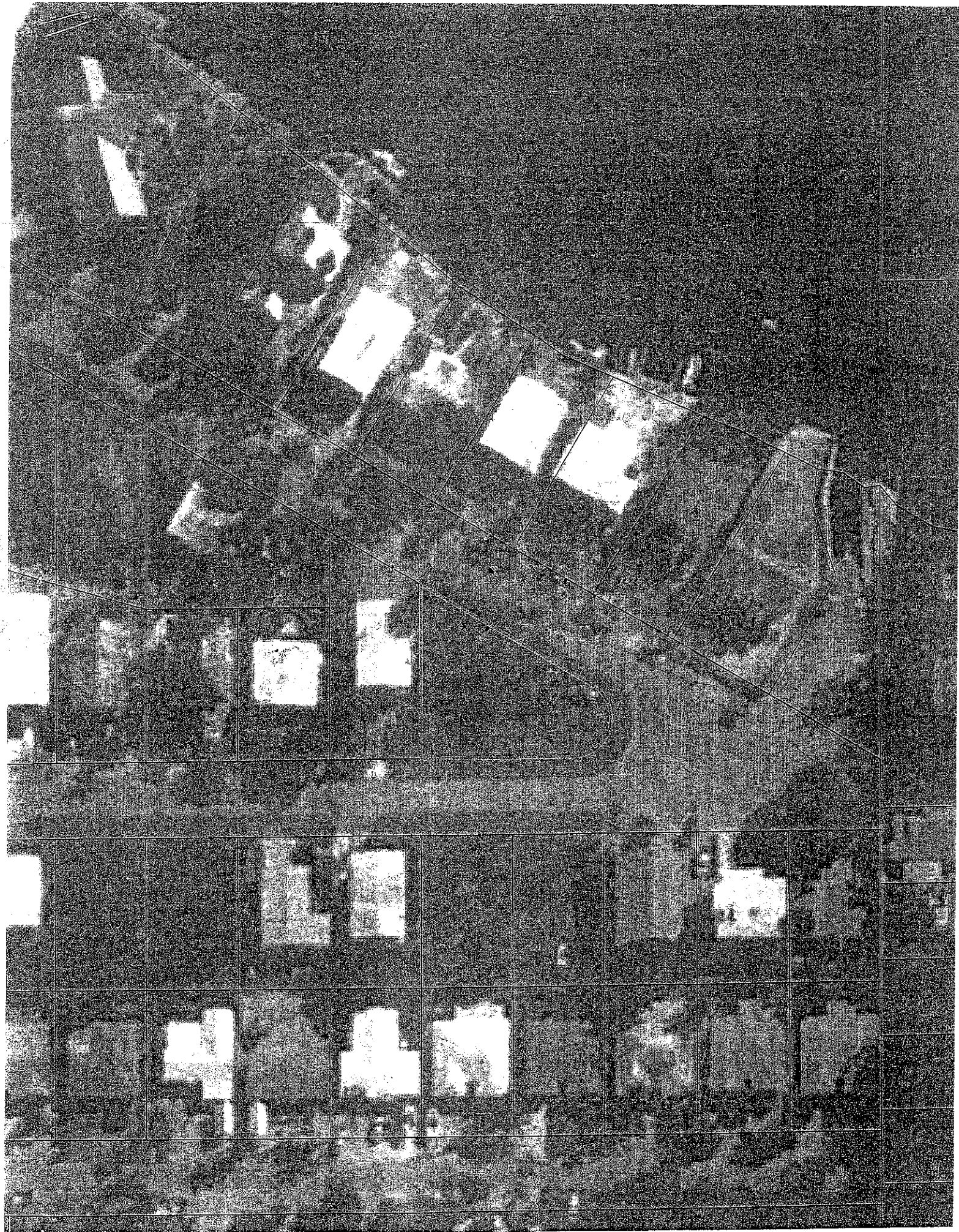
10 FT

25 FT

25 FT

25 FT

QHC





MONROE COUNTY PLANNING DEPARTMENT

APPLICATION FOR DEVELOPMENT APPROVAL

Application Fee: Major Conditional Use \$5,390.00 Minor Conditional Use \$4,500.00

ALL APPLICATIONS MUST BE **DEEMED COMPLETE AND IN COMPLIANCE** WITH THE MONROE COUNTY CODE BY THE PLANNING STAFF **PRIOR** TO THE ITEM BEING SCHEDULED (SEE PAGE FOUR.)

1) Applicant Name: _____

Mailing Address: _____

Phone Number: (Home) _____ (Work) _____ (Fax) _____

2) Agent Name/Title: _____

Mailing Address: _____

Phone Number: (Home) _____ (Work) _____ (Fax) _____

3) Property Owner(s): _____

Mailing Address: _____

Phone Number: (Home) _____ (Work) _____ (Fax) _____

4) Legal Description of Property:

Street Address: _____

Lot: _____ Block: _____ Subdivision: _____

If in metes and bounds, attach legal description on separate sheet.

Key: _____ MM: _____

Real Estate (RE) Number(s): _____

- 5) Land Use District(s): _____
- 6) Present use of the property: _____
- 7) Proposed use of the property: _____
- 8) Gross floor area in square feet (Non-residential uses): _____
- 9) Number of residential units to be built: _____
- 10) Number of affordable or employee housing units to be built: _____
- 11) Number of hotel-motel, recreational vehicle, institutional residential or campground
units to be built per type: _____
- 12) Has an application been submitted for this site within the past two years? _____
- 13) If yes, name of the applicant and date of application: _____

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant or Agent

Date

Sworn before me this _____ day of _____, 20____ A.D.

Notary Public
My Commission Expires

ATTACHMENT A

The following is a list of required documents for conditional use approval. To determine whether an item is appropriate to a particular application, please contact the Planner and Biologist reviewing your application.

____ PROOF OF OWNERSHIP: deed, lease or pending sale contract.

____ LOCATION MAP showing where the project is located on the Key. This enables people to easily find the project

____ PHOTOGRAPHS of site from the main adjacent road. A recent aerial photograph with property boundaries delineated may be substituted.

____ SEALED AND SIGNED SURVEY by a Florida registered surveyor. The survey should include elevations and location of all existing structures, paved areas, location of all utility structures, bodies of water, docks, piers, mean high water line, acreage by Land Use District and acreage by habitat.

____ VEGETATION SURVEY or Habitat Evaluation Index, if applicable; prepared by a biologist qualified by the Monroe County Environmental Resources Department.

____ ENVIRONMENTAL DESIGNATION SURVEY and COMMUNITY IMPACT STATEMENT (Major Conditional Uses only).

____ SITE PLAN prepared by a Florida registered architect, engineer or landscaped architect at a standard engineering scale as appropriate for the size and shape of the project

INCLUDING BUT NOT LIMITED TO:

- ____ Property lines and mean high-water shoreline and outside dimensions of the entire parcel;
- ____ All areas and dimensions of existing and proposed structures;
- ____ Adjacent roadways and uses of adjacent property;
- ____ Setbacks as required by the Land Development Regulations;
- ____ Parking (including handicap parking) and loading zone locations and dimensions;
- ____ Calculations for open space ratios, floor area ratios, density and parking;
- ____ Outdoor lighting location, type, power and height;
- ____ Extent and area of wetlands, open space areas and landscape areas;
- ____ Location of solid waste separation, storage and removal;
- ____ Type of ground cover such as asphalt, grass, pea rock;
- ____ Sewage treatment facilities;
- ____ Existing and proposed fire hydrants or fire wells;
- ____ Location of bike racks (if required);
- ____ Flood zones pursuant to the Flood Insurance Rate Map (FIRM);
- ____ Adjacent Land Use Districts.

____ FLOOR PLANS at an appropriate standard architectural scale including handicap accessibility features;

____ LANDSCAPE PLANS at the same scale as the site plan. May be on a separate plan or shown on the site plan. **INCLUDING BUT NOT LIMITED TO:**

- ____ Building footprints, driveways, parking areas and other structures;
- ____ Open space preservation areas;
- ____ Size and type of buffer yards including the species, size and number of plants;
- ____ Parking lot landscaping including the species, size and number of plants;
- ____ Existing natural features;
- ____ Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced;
- ____ Transplantation plan (if required).

____ CONCEPTUAL DRAINAGE PLAN with drainage calculations prepared by a registered engineer at the same scale as the site plan: The plan must show existing and proposed topography, all drainage structures, retention areas and drainage swales, and existing and proposed permeable and impermeable areas.

____ ELEVATION DRAWINGS of all proposed structures with the elevations of the following features referenced to NGVD: Existing grade, finished grade, finished floor elevations (lowest supporting beam for V-zone development), roofline and highest point of the structure.

____ TRAFFIC STUDY prepared by a licensed traffic engineer.

____ CONSTRUCTION MANAGEMENT PLAN (State how impacts on nearshore water and surrounding property will be managed - i.e. construction barrier, hay bales, flagging, etc.)

____ CONSTRUCTION PHASING PLAN.

____ TYPED NAME AND ADDRESS **MAILING LABELS** of property owners within a 300 feet radius of the subject property. This list should be compiled from the current tax rolls located in the Property Appraiser's Office. **Also**, please provide the listing of the names, subdivision name, lot and block # and the RE #'s for each address and note those that are adjoining the property. Adjoining lots are not disrupted by a canal or street. When a condominium is adjoining the property within the three hundred (300) feet, each unit owner must be included.

All Applications require sixteen (16) copies of all blueprints.

LETTERS OF COORDINATION MAY BE REQUIRED FOR YOUR PROJECT. The applicant must check with the Planning Department to identify other agencies expected to review the project. If the supporting data such as blueprints or surveys are larger than 8 1/2 x 14 inches, the applicant shall submit sixteen (16) copies of each.

These may include:

- ____ Florida Keys Aqueduct Authority (FKAA)
- ____ Florida Department of Health and Rehabilitative Services (HRS)
- ____ Florida Keys Electric Cooperative (FKEC) / City Electric System (CES)
- ____ Monroe County Fire Marshall
- ____ South Florida Water Management District (SFWMD)
- ____ Florida Department of Environmental Protection (FDEP)
- ____ Florida Department of State, Division of Historic Resources
- ____ Florida Game and Freshwater Fish Commission (FGFFC)
- ____ U.S. Army Corps of Engineers (ACOE)
- ____ U.S. Fish and Wildlife Service (USFW)
- ____ Monroe County Recycling Department
- ____ Florida Department of Transportation (FDOT)